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Written statement* submitted by CIVICUS - World Alliance for Citizen Participation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Viet Nam's human rights record*

I. INTRODUCTION

On 1 January 2014, Viet Nam began its three-year term as a member of the UN Human Rights Council (HRC). As a member of the HRC, Viet Nam is expected to commit to cooperating with the HRC while upholding the highest standards in the promotion and protection of human rights. However, despite these commitments, the Vietnamese government has severely escalated its systematic campaign to silence all forms of independent dissent in the country.

Together with CIVICUS: World Alliance for Citizen Participation, we urge the HRC to engage the Vietnamese government to ensure that human rights defenders are permitted to carry out their legitimate work including openly and substantively engaging with UN human rights mechanisms such as the UPR.

1. Reprisals against Human Rights Defenders for engaging with the UPR

Civil society groups play an essential role in all stages of the UPR process. However, in an apparent attempt to stifle independent reporting on Viet Nam's human rights record, the Vietnamese authorities' have sought to undermine civil societies' engagement in the process through a combination of harassment, intimation, judicial persecution and unwarranted restrictions on the freedom of movement. .

On 15 January 2014, blogger Nguyen Ho Nhat Thanh, also known as Paulo Thanh Nguyen (DOB 03/28/1987) had his passport confiscated and was banned from traveling to the USA and Geneva, Switzerland for "security reasons". To date, his passport has not been returned to him despite repeated appeals.

Similarly, on 1 February 2014, journalist Pham Chi Dung (DOB 10/12/1966) also had his passport confiscated and was banned from travelling to Geneva to attend a UPR side event, four days before Viet Nam's review under the UPR.

Ms. Nguyen Thi Tram (DOB 09/02/1949), mother of human rights lawyer Le Quoc Quan, was also subjected to harassment for engaging with the UPR. On 17 February 2014, upon returning from Geneva after attending Viet Nam's examination at the HRC, Ms. Nguyen was strip-searched at Tan Son Nhat airport. The search was both invasive and excessive.

Another member of this UPR delegation, Mr. Dang Van Ngoan (DOB 07/02/1988) has faced unrelenting harassment since his return from Geneva. Mr. Dang is a member of the Hoa Hao Buddhist Church, an independent religious group. Since returning to Viet Nam, the authorities have repeatedly requested him to report to them for 'immigration related matters'.

In addition to unwarrantedly restricting freedom of movement and the right to privacy, Vietnamese authorities have also used physical violence in order to obstruct civil societies' participation in the UPR participation. Blogger Bui Tuan Lam, aka Peter Lam Bui (DOB 05/06/1984), a member of the civil society UPR delegation which attended the UPR session on 05 February 2014, was detained and questioned for 8 hours at Tan Son Nhat airport upon his return from Geneva. Mr. Bui's passport was also confiscated. Thereafter, on 16 April 2014, Mr. Bui was ambushed and physically attacked by 8 policemen on a deserted road near Ky Trung Bridge in Tam Ky city, Quang Nam province. He sustained internal injuries as a result of this incident.

On 9 February 2014, human rights lawyer Nguyen Bac Truyen (born 1968) and founding member of the Association of Political and Religious Prisoners, an organization which formed part of the UPR delegation, along with his fiancé, were arrested and detained in Dong Thap province. Mr. Nguyen's property was destroyed and his laptop, cell phone, and camera were confiscated. Upon his release, he traveled to the capital, Ha Noi, where he was severely assaulted when he tried to inform international embassies about their harassment and detention.

2. Arbitrary detention of Human Rights Defenders

Following Viet Nam's UPR examination, the People's Supreme Court on February 18 heard human rights lawyer Le Quoc Quan's appeal. The Court, however, took only one day to affirm his 30-month sentence for "tax evasion", although the evidence presented by the prosecution was doubtful and insufficient to establish guilt. The court also denied Mr. Le a public trial and the Criminal Procedure Code prevented him from having access to legal assistance to prepare his appeal.

On 4 March 2014, the Da Nang City Court sentenced former journalist and blogger Truong Duy Nhat (born 1964) to two years imprisonment for 'abusing democratic freedoms to infringe upon the interests of the State' under Article 258 of Viet Nam's Criminal Code, often used to criminalize dissent.

On 19 March 2014, blogger Pham Viet Dao (DOB 04/10/1952) was also sentenced to 15 months imprisonment under the same Article 258. During Viet Nam's session on February 05, many countries, including France, Australia and Canada, specifically recommended that Viet Nam abolish Article 258.

On a separate occasion, the authorities arbitrarily detained activist Ms. Bui Thi Minh Hang (DOB 07/20/1964), along with two members of the Hoa Hao Buddhist Church, Ms. Nguyen Thi Thuy Quynh (born 1986) and Mr. Nguyen Van Minh (born 1960). On 11 February 2014, they were stopped, arrested and assaulted while on their way to visit a fellow activist. They have since been charged with "disturbing public order" and are awaiting trial. To date, the government prevented these individuals to meet with family members, a violation of Viet Nam's own law.

On 5 May 2014, the authorities also arrested blogger Nguyen Huu Vinh, aka Anh Ba Sam (DOB 09/15/1956), along with his assistant Ms. Nguyen Thi Minh Thuy (born 1980). They have since been charged under Article 258. Mr. Nguyen is the owner of blog "Anh Ba Sam" which publishes articles promoting human rights and critical of government policies.

3. Suppression of Activities Promoting Human Rights

On 19 April 2014, bloggers Paulo Thanh Nguyen, Ms. Trinh Kim Tien (DOB 07/10/1990) and Ms. Nguyen Ngoc Nhu Quynh, aka Mother Mushroom (DOB 07/18/1979), were arbitrarily arrested at a coffee shop by Nha Trang city police while attempting to participate in a workshop on the UN Convention against Torture, a treaty which Viet Nam recently signed. Ironically, they were detained for 12 hours, interrogated and assaulted by the authorities before being released.

Two bloggers, Mr. Nguyen Lan Thang (DOB 12/18/1975) of the No-U Hanoi group and Ms. Anna Huyen Trang (DOB 07/19/1988) of the Redemptorist Church, were banned from travelling abroad and had their passports confiscated in April 2014 after attempting to travel to the USA at the invitation of US Congresswoman Loretta Sanchez.

In May 2014, upon returning from a human rights advocacy campaign in the USA, blogger Nguyen Dinh Ha (DOB 12/24/1988) was arbitrarily detained at Tan Son Nhat airport for 24 hours, and blogger To Oanh (DOB 08/19/1947) was detained at Noi Bai airport for 7 hours. Both individuals had their passports and belongings confiscated.

On 18 May 2014, the authorities prevented independent civil society organizations in Ha Noi and Ho Chi Minh City from protesting against China's aggression in the East Sea. Some 30 protestors were arrested, nine of whom were detained overnight. Those arrested include blogger Vo Quoc Anh (DOB 08/18/1985), blogger Huynh Trong Hieu (DOB 08/04/1988), and blogger Trinh Anh Tuan (06/26/1990), who were severely beaten and deprived food for 24 hours.

II. CONCLUSION

Since becoming a member of the HRC, the Vietnamese government has failed to take the necessary steps to improve its human rights record. Instead, the environment for human rights defenders has significantly deteriorated following Viet Nam's examination under the UPR, including targeted persecution of peaceful activists for engaging with UNHRC mechanisms

We therefore respectfully request the HRC to closely monitor the recommendations Viet Nam accepts on 20 June 2014 under the second cycle of the UPR to ensure that it adheres to its obligations under international law, concerning the following 10 thematic areas identified by Member States during the UPR process:

1. **A safe and enabling civil society environment**
2. **Standing invitation to all UN special procedures**
3. **Right to a fair trial, legal assistance and equal treatment**
4. **Reform concerning the death penalty**
5. **Reforming Viet Nam's Criminal Code and national security provisions such as Article 79, 88, and 258**
6. **Protection of human rights defenders**
7. **Ratification and implementation of the Convention against Torture**
8. **Freedom of Expression and Internet Freedom**
9. **Freedom of Assembly as guaranteed under the ICCPR**
10. **Freedom of Religion as guaranteed under the ICCPR**

* Civil Society Forum, Network of Vietnamese Bloggers, Vietnam Path Movement, No-U FC, No-U Sài Gòn, Vietnamese Redemptorist News, Dan Lam Bao, Association of Former Political and Religious Prisoners, Brotherhood for Democracy, Hoa Hao Buddhist Church, Association of Workers & Farmers Solidarity, Aggrieved Citizens Struggle Alliance Movement, Association of Religious Freedom Protection, Vietnam Interfaith Council, United Buddhist Church of Vietnam Sangha and VOICE without consultative status, also share the views expressed in this statement.